Dear Hugh

Post-legislative scrutiny of:


Nature Conservation (Scotland) Act 2004 (Operation of the SSSI network)

Earlier in the year the Public Audit and Post-legislative Scrutiny Committee sought views from the public on which Acts would benefit from post-legislative scrutiny.

From the 24 Acts suggested the Committee agreed a shortlist of those it wished to take forward in the first instance. For the others the Committee agreed to write to the Scottish Government seeking information on the issues and concerns that were raised in the submissions.

In respect of the above Acts I am writing to you seeking a written response to these issues. I would be grateful if you could provide a reply by Friday 23 February 2018.

A copy of the information provided in the submission can be found in the Annex.

A link to our post-legislative scrutiny page can be found here:

http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/105094.aspx

Yours sincerely,

Alison Wilson
Assistant Clerk

Part 1 of the Wildlife and Countryside Act (1981), as amended, is operating across Great Britain and while post-devolution amendments mean that the legislation is now slightly different for each jurisdiction, it is still very important for the protection of species across all of Great Britain. Regrettably, the schedules have not been updated in a consistent and comprehensive way, meaning that so far updates have been ad hoc. As a result, many recommendations made to the Scottish Government by the Joint Nature Conservation Committee (JNCC) have not been taken into account. In its reports of 2002, 2008 and 2014, the JNCC urged strengthening measures to protect some of Scotland’s most endangered species. Recommendations have been made for over 10 species.

By not fully updating the schedules of the Act, we are disregarding important policy tools that can help reverse the serious threat posed by continued biodiversity loss in Scotland.

In addition, we would like to see the effectiveness of the investigation and prosecution under Part 1 reviewed.

Nature Conservation (Scotland) Act 2004 (Operation of the SSSI network)

The SSSI network provides protection for areas of land that are of special scientific interest. Scottish Natural Heritage is responsible for designation SSSIs and for ensuring that they remain in favourable condition. The Nature Conservation (Scotland) Act 2004 states that the SSSI network should be “representative of the diversity and geographic range of Scotland’s natural features, the natural features of Great Britain, and the natural features of member States”. Whilst there are just over 1,425 SSSIs in Scotland, the network is not fully representative of the important natural features in Scotland. In particular, lichens, fungi, bryophytes and invertebrates are poorly represented. One notable omission from the network is one of the last unexploited populations of Freshwater pearl mussels in Scotland and probably Europe. Despite its discovery in 2013 it remains unprotected.

By completing the SSSI network Scotland would make our environment more resilient to global challenges such as climate change as well as preserve important and unique wildlife.